

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

**ZTE CORPORATION, ZTE (USA)
INC., AND ZTE (TX), INC.**

Defendants.

**§ CIVIL ACTION NO. 6:20-cv-487-ADA
§ CIVIL ACTION NO. 6:20-cv-488-ADA
§ CIVIL ACTION NO. 6:20-cv-489-ADA
§ CIVIL ACTION NO. 6:20-cv-490-ADA
§ CIVIL ACTION NO. 6:20-cv-491-ADA
§ CIVIL ACTION NO. 6:20-cv-492-ADA
§ CIVIL ACTION NO. 6:20-cv-493-ADA
§ CIVIL ACTION NO. 6:20-cv-494-ADA
§ CIVIL ACTION NO. 6:20-cv-495-ADA
§ CIVIL ACTION NO. 6:20-cv-496-ADA
§ CIVIL ACTION NO. 6:20-cv-497-ADA**

JURY TRIAL DEMANDED

**§
§
§
§**

RESPONSE REGARDING NOTICE OF SUPPLEMENTAL AUTHORITY

The arguments contained in ZTE’s “Notice of Supplemental Authority” are improper briefing, filed without leave, and should be stricken or ignored. ZTE’s pretext for filing a new brief without leave is unpersuasive. *In re Andra* does not represent a change in law. *See In re Andra Group LLP*, Case 20-2009 (Dkt. No. 41, Order) (Fed. Cir. Aug. 3, 2021). Rather, it applies existing law to the specific facts of a specific case. ZTE already had full opportunity to argue the law relating to agency and ratification to the facts of *this* case, which differ from *In re Andra*. ZTE’s belated attempt to re-brief these issues should be rejected.

To the extent this Court is taking “notice” of *In re Andra*, however, it should take notice that the District Court dismissed *only* the Non-Store Defendants. *See* ZTE’s Notice, Ex. A *3-4. It did not dismiss the “Stores” defendant because it found venue was proper against that defendant. *Id.* This, of course, contradicts ZTE’s incorrect argument, raised for the first time during the hearing on its motion, that if venue is improper as to *any* defendant, a court must dismiss *all* defendants.

Therefore, WSOU respectfully requests that the Court strike ZTE's "notice" because it is not a notice. Rather, it is more briefing filed without leave, filed without even consulting WSOU, and is argumentative.

Dated: August 5, 2021

Respectfully submitted,

By: /s/ Ryan Loveless
James L. Etheridge
Texas Bar No. 24059147
Ryan S. Loveless
Texas Bar No. 24036997
Etheridge Law Group, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, TX 76092
Tel.: (817) 470-7249
Fax: (817) 887-5950
Jim@EtheridgeLaw.com
Ryan@EtheridgeLaw.com

Mark D. Siegmund
State Bar No. 24117055
mark@waltfairpllc.com
Law Firm of Walt, Fair PLLC.
1508 North Valley Mills Drive
Waco, Texas 76710
Telephone: (254) 772-6400
Facsimile: (254) 772-6432

Counsel for Plaintiff WSOU Investments, LLC

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically via the U.S. District Court [LIVE]-Document Filing System to all counsel of record August 5, 2021.

/s/ Ryan Loveless
Ryan S. Loveless